

**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**ANDOVER EXPRESS TRUCKING, INC.,**

**Respondent.**

**Docket No. FMCSA-2010-0209<sup>1</sup>  
(Eastern Service Center)**

**ORDER APPOINTING ADMINISTRATIVE LAW JUDGE**

**1. Background**

On April 9, 2010, Claimant, the Acting Field Administrator for the Eastern Service Center, Federal Motor Carrier Safety Administration (FMCSA), issued a Notice of Claim to Respondent, Andover Express Trucking, Inc., proposing a civil penalty of \$11,000 for one alleged violations of the Federal Motor Carrier Safety Regulations (FMCSRs). Specifically, the Notice of Claim, which stated that it was based on a March 18, 2010 compliance review, charged Respondent with one violation of 49 CFR 396.11(c), with a proposed maximum civil penalty of \$11,000 pursuant to section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA), for failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again.<sup>2</sup>

On April 30, 2010, Respondent replied to the Notice of Claim, denying the violation, providing its defenses, and requesting a formal hearing.<sup>3</sup> On June 29, 2010,

---

<sup>1</sup> The prior case number of this matter was NH-2010-0023-US0865.

<sup>2</sup> See Exhibit A to Field Administrator's Consent to Respondent's Request for Formal Hearing (Claimant's Consent).

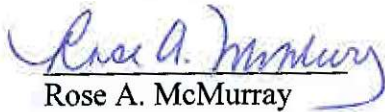
<sup>3</sup> See Exhibit B to Claimant's Consent.

Claimant stated that he had no objection to Respondent's request. Therefore, in accordance with 49 CFR 386.16(b)(2), the matter is referred to the Office of Hearings of the United States Department of Transportation.

## **2. Appointment of Administrative Law Judge**

An administrative law judge is hereby appointed, to be designated by the Chief Administrative Law Judge of the Department of Transportation, to preside over this matter in accordance with 49 CFR 386.54, and render a decision on all issues, including the civil penalty, if any, to be imposed. The proceeding shall be governed by subparts D and E of 49 CFR Part 386 of the Rules of Practice and all orders issued by the administrative law judge.

*It Is So Ordered.*



Rose A. McMurray  
Assistant Administrator  
Federal Motor Carrier Safety Administration

7.15.10  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 16 day of July, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Durga Singh, Vice President  
Andover Express Trucking, Inc.  
345 River Road  
Andover, MA 01810  
(800) 617-8722 (Telephone)  
(978) 409-1283 (Fax)

One Copy  
U.S. Mail

Prosper Bitton, President  
BR-Consulting, Inc. dba BR Movers  
5644 3<sup>rd</sup> Street, NE  
Washington, DC 20011

One Copy  
U.S. Mail

John C. Bell, Esq.  
Trial Attorney  
Office of Chief Counsel (MC-CCE)  
Federal Motor Carrier Safety Administration  
802 Cromwell Park Drive, Suite N  
Glen Burnie, MD 21061  
(443) 703-2249 (Telephone)  
(443) 703-2253 (Fax)

One Copy  
U.S. Mail

Loretta Bitner  
Acting Field Administrator  
Eastern Service Center  
Federal Motor Carrier Safety Administration  
802 Cromwell Park Drive, Suite N  
Glen Burnie, MD 21061

One Copy  
U.S. Mail

Kevin Carter  
New Hampshire Division Administrator  
Federal Motor Carrier Safety Administration  
70 Commercial Street, Suite 102  
Concord, NH 03301

One Copy  
U.S. Mail

The Honorable Ronnie A. Yoder  
Chief Administrative Law Judge  
Office of Hearings, M-20  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
East Building Ground Floor  
Room E12-320  
Washington, D.C. 20590

One Copy  
Personal Delivery

U.S. Department of Transportation  
Docket Operations, M-30  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Original  
Personal Delivery

